

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C) .No. 2564 of 2007(E)

PETITIONER:

MICHAEL, S/O. XAVIER, 42 YEARS,
MELEDATH HOUSE, THRIKKUR P.O., THRISSUR.

BY ADV. SRI.RENJITH THAMPAN

RESPONDENTS:

1. THE SUPERINTENDENT OF POLICE, THRISSUR.
2. CIRCLE INSPECTOR OF POLICE,
PUTHUKKAD POLICE STATION, PUDUKKAD.
3. SUB INSPECTOR OF POLICE,
PUTHUKKAD POLIE STATION, PUDUKKAD.
4. SABU A.K., ADIPARAMBIL HOUSE,
THRIKKUR P.O., THRISSUR.
5. ASOKAN P.R., PARAMPURATH HOUSE,
THRIKKUR P.O., THRISSUR.

ADDL.R6 TO R8:

- 6.DISTRICT COLLECTOR, THRISSUR.
- 7.GEOLOGIST, DEPT. OF MINING AND GEOLOGY, THRISSUR.
- 8.THRIKKUR GRAMA PANCHAYATH, REP. BY SECRETARY,
THRIKKUR, THRISSUR.

ADDL.R6 TO R8 ARE IMPLEADED AS PER ORDER DATED 1.2.2007 IN
I.A.1613 OF 2007.

BY ADV. SRI.N.NAGARESH
GOVERNMENT PLEADER SRI.P.A.SALIM FOR R1, R6 AND R7
ADV.M.K.CHANDRAMOHANDAS (SR)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26/03/2007 ALONG WITH WPC NO.3431 OF 2007, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

W.P. (C) .2564/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE SALE DEED NO.6687/06 DATED 22.12.06.

EXT.P2: COPY OF THE PROCEEDINGS OF THE DEPARTMENT OF INDUSTRIES, DATED 12.1.2007.

EXT.P3: COPY OF THE LETTER ISSUED BY THE GEOLOGIST DATED 18.1.07.

EXT.P4: COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 13.1.07.

EXT.P5: COPY OF THE JUDGMENT IN W.P.(C) .17879 OF 2006 DATED 11.8.06.

EXT.P6: COPY OF LETTER DATED 3.2.2007 OF THE GEOLOGIST.

RESPONDENTS EXHIBITS:

EXT.R4(A): COPY OF THE REPRESENTATION DATED 11.10.2006 SUBMITTED TO THE R.D.O., THRISSUR.

EXT.R4(B): COPY OF THE MASS COMPLAINT DATED 11.10.2006 SUBMITTED TO THE DISTRICT COLLECTOR.

EXT.R4(C): COPY OF THE ORDER G.O.NO.13/78/HD DATED 13.1.1978.

EXT.R4(D): COPY OF THE COMPLAINT DATED 10.1.2007 FILED BEFORE THE GEOLOGIST.

EXT.R4(E): COPY OF THE COMPLAINT DATED 10.1.2007 FILED BEFORE THE POLLUTION CONTROL BOARD.

EXT.R4(F): COPY OF THE INTERIM ORDER DATED 1.2.2007 IN W.P.(C) . 3431/2007.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)Nos.2564 & 3431 OF 2007

Dated 26th March, 2007

JUDGMENT

Koshy, J.

W.P.(C)No.2564 of 2007 is a petition for police protection. Petitioner has purchased 32 cents of property. He wants to construct a tile factory and, therefore, wants to remove the soil up to the road level. It is the case of the petitioner in W.P(C)No.3431 of 2007 that the place is in a hilly top and even if soil is removed up to road level, it will affect other parties. The contesting respondents cannot take law into their hands. Police is bound to grant protection if the soil is removed as per the conditions in the licence. Panchayat stated that they have no objection. It is also stated that Revenue Divisional Officer has interfered in the matter and made site inspection. Unless prohibitory orders are passed by the R.D.O. or any other authority, with regard to the 32 cents of property owned by the petitioner in W.P.(C)No.2564 of 2007 and if he complies with all the conditions in the licence, police shall give necessary protection. However, this order will not prevent the petitioner in W.P.(C)No.3431 of 2007 in approaching the

W.P.(C)Nos.2564 & 3431 of 2007 2

statutory authority or civil court if their rights are
affected.

Both writ petitions are disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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